

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, December 8, 2011

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; and Jonathan F.X. O'Brien

Also: Jody Kablack, Director of Planning and Community Development

For the Applicant:

Ben Stevens, Manager, Trask Inc.

Bruce Saluk, Design Engineer, Saluk and Associates

Wes Wirth, Landscape Architect, Thomas Wirth Associates

Ms. Quirk, Chair of the ZBA, re-opened the hearing. She read into the record a list of minutes that were then approved by the Board. Included were minutes for hearings held March 14, 2011, April 25, 2011, June 20, 2011, July 14, 2011, September 7, 2011, October 3, 2011, November 7, 2011, November 28, 2011, and working sessions held on April 7, 2011 and April 21, 2011.

She then reported for the record that the ZBA was in receipt of the following documents:

- 10/6/2011 – Request for Extension of Time Form from Ben Stevens
- 10/7/2011 – Letter from Beth Quirk to the Conservation Commission
- 10/11/2011 – Letter from Debbie Dineen, Conservation Coordinator, to Ben Stevens
- 10/12/2011- Letter of response from Ben Stevens, Landham Crossing, to Debbie Dineen
- 10/28/2011 – revised site plan sheets
- 11/2/2011 – memo from Bruce Saluk, Bruce Saluk & Associates, Inc.
- Revised layout plan, sheet C1, dated 11/11/2011
- Revised grading plan, sheet C2, dated 11/11/2011
- 12/5/2011 – Summary of Plan Changes from Ben Stevens to the ZBA, received 12/5/2011
- 12/6/2011 – List of Exceptions/Waivers from Ben Stevens to the ZBA, received 12/7/2011
- 12/8/2011 – Letter from Bill Place, DPW Director/Town Engineer, to Jody Kablack, received 12/8/2011
- 12/8/2011 – Memo to the ZBA from Jody Kablack, received 12/8/2011

Mr. Stevens then provided an update on progress made since the October 3, 2011 ZBA meeting. No testimony was taken during meetings scheduled for November 7 and November 28. He said that he had been to about four or five meetings with the Sudbury Conservation Commission and the Commission has now closed their hearing on the project. The ZBA is waiting to receive a letter from the Conservation Commission in regard to this.

Among the issues worked on was the layout plan which was finally agreed upon by both the applicant and the Conservation Commission. The Conservation Commission will issue an Order of Conditions. Mr. Stevens then pointed out to the ZBA the areas of the site plan that had been modified. He noted that the Conservation Commission requested a larger wetlands offset which required two or three more draft plans. Originally there was a ten foot no-disturb area at the perimeter which was revised to twenty feet

minimum distance to the deck line. Many, if not most, of the units have a thirty-five foot distance between the unit and the wetland edge. The changes were achieved by modifying part of the driveway. The loop was moved inward about seven feet. The corresponding parking, walkways, and mail house also moved seven feet. The driveway was narrowed to a twenty-one foot minimum which pulled all of the buildings together toward the street and the cul-de-sac was also rotated slightly near unit 29.

Mr. Stevens said that he still maintained the underlying zoning setbacks for side, rear and front yard so no waivers are being requested for setbacks. The roadway actually decreased in length from 788 feet to about 750 feet. Therefore the impervious area was reduced by about thirty feet. The alterations did not affect the design of the drainage system but did decrease the size requirement for subsurface drainage.

In studying the lower western wetland edge, or buffer zone, it was discovered that there are several invasive species there. Mr. Stevens said that he had spent quite a bit of time with the Conservation Commission and with his landscape architect, Wes Wirth, working on a replanting schedule and a treatment for that edge of the buffer area.

He said that the original plan called for a retaining wall along the septic edge of the site to secure more of a buffer zone, however in discussions with the Conservation Commission it was determined that it would be better to grade down into the edge and re-vegetate as part of the master landscape plan.

Mr. Stevens said that he now has a septic permit from the Board of Health. One condition that was added by the Conservation Commission was a de-nitrification component for the septic system. Mr. Stevens said that this was a negotiation. He did not necessarily agree with the need for it at first. It is a \$100,000 improvement to the project and has some on-going maintenance requirements. He said that it does not really affect design elements that one could see from the site plan, but there is an additional tank to be added underground and some wiring. The septic permit may need to be modified by the Board of Health and incorporated into the final plans. No grading or structures need to be changed to accommodate the de-nitrification component.

Mr. Stevens explained that most other features of the original plan remain. Many mature trees will be saved. The central feature is the silver maple. Grading has not changed significantly. He said that most unit locations stayed the same and neighbor offsets didn't change. He said that he did conduct a wildlife study to ensure that the development would not impact the wildlife in the area and he conducted a nutrient uptake study when the septic system was discussed. There should be no adverse effects on wetland areas or the intermittent stream which travels underneath Route 20 and feeds into the larger streams. He said that lighting, affordable units, construction trailers and signs are shown on the site plan and he feels that the plans are now in their final stages.

Mr. O'Brien asked for an explanation of the de-nitrification issue and asked why the Conservation Commission felt that it was so necessary. Mr. Stevens said that when a project is in a well-protection zone it is therefore a nitrogen-sensitive area and the de-nitrification component is necessary because the septic system is the biggest producer of nitrogen. Nitrogen in a wetland can affect a cold water fishery, one of which is located on the other side of Route 20. Developers therefore try to control the nitrogen as it leaves the site so that it does not enter a well. He did say that the Landham Crossing site does not happen to be within a nitrogen-sensitive area or a well-protection area, but the Commission felt that it was necessary nonetheless due to the location of the wetlands and the cold water fishery nearby. Mr. O'Brien asked for clarification on which direction the water was flowing. Mr. Stevens said that it is primarily going north, however some flows south into Allowance Brook on Landham Road which is a cold water area.

Therefore nitrogen output could have an impact on both watershed areas. He said that the system does not totally get rid of the nitrogen but it does greatly reduce it so that the treated effluent is safe drinking water. He then gave a description of the tank and how it works.

Ms. Quirk commented that the revised plans look tight at the inner circle by the silver maple tree, but she understands why the applicant was required to make the changes. Mr. Stevens said that the off-set was kept as is and he measured everything, so it might just be the look of the plans which is making it appear tighter. Mr. Stevens mentioned that the driveways are now shorter which also might give it a tighter appearance. He said that the driveways are approximately 22 feet in length which would allow parking for a full car behind every garage.

Landscape Architect Wes Wirth walked the Board through the master landscape concept plan. There is a dense screen along Route 20 and a more wildlife-focused screen at the wetland buffer zone and around the remainder of the property. A two to three foot rock wall has been moved essentially to the back of the decks at the western side of the site and beneath the wall is a no-touch zone. The applicant is proposing many trees and shrubs to be planted in that area to screen noise and light from the wildlife zone. A more significant evergreen buffer has been added next to the rain garden to screen the closest abutter's property. The buffer along Route 20 will be composed of large clusters of evergreens such as balsam fir and eastern red cedar with shrubs planted on both sides, front and back. The shrubs, such as bayberry and rhododendron, can reach to fifteen feet in height and there is also some grading of between eight and ten feet on a mound at the front of the property. Additional deciduous trees will be added as well.

Other landscape features include a common green. There are many paths around the green leading to the central silver maple that is being kept. The plans took into consideration adequate drainage away from the tree's roots. Dense conifers including white pines will be situated at back edge of this common area. The eastern edge will have evergreens. Silver Maple tree trees will be planted along the driveway to create a canopy as the development ages. The species does fine with the presence of road salt and should be hearty.

Mr. Wirth said that at the back of the development in the area of the septic system there will perhaps be an apple grove along with some other ornamental trees to create additional landscape features. There are two large white and red oak trees that are to be kept. He said that the attempt was made to keep as many mature trees as possible. In the area of the rain garden there is a cluster of sugar maples and black cherry trees that will remain.

Ms. Quirk asked what material was being considered for the pathways. Mr. Wirth said the perimeter trails would probably be covered with woodchips which are light and easy to maintain. He said that Mr. Stevens had some reservations about whether or not the pathway around the perimeter of the property would get much use by the residents. If installed that pathway could convert back to nature if it was underutilized. Mr. Wirth suggested using pea stone or stone dust for the inner circle pathway near the silver maple tree since it is a soft, porous material. He did not recommend paving that area.

Mr. Wirth then showed a detail of unit clusters and described the composition of the stone wall that would run along the western boundary of the property that blocks the no-build zone. The wall would be composed from boulders unearthed during construction. Slight fill along the boulder wall would raise the grade slightly to allow for drainage and the wall will serve to prevent traffic from residents from entering into the no-build zone. He said that he chose plantings for around that wall that were native to Middlesex County. There will be a wide variety of flowering plants that are wildlife friendly. There will be no lawn

between the units and the no-build zone. The only lawn at the property is along the road and where snow storage from plowing would be. Since there is to be no lawn between buildings Ms. Quirk asked what the groundcover would be. Mr. Wirth said it would be a mix of flowering dogwoods and other shade-loving ground shrubs such as Solomon's Seal and ferns that require little or no maintenance and which should take root and spread. Again the plants would be native plants.

Mr. O'Brien asked how close the boulder wall was to the rear decks of the units. Mr. Wirth said that a four foot pathway has been maintained throughout. At one of the units the distance is as little as four feet from the back deck but the average distance is about ten feet. The decks themselves are elevated with posts. Mr. Stevens added that the design of the wall is not a constructed estate wall but rather it would be a placed boulder wall to allow plant material to fill in around the boulders so that they would essentially disappear behind the vegetation.

Mr. Wirth then showed a cross section of the grading and screening at the common area and noted the parking areas.

ZBA Member Ben Stevenson commended Mr. Wirth for his plans. He questioned whether the silver maples planted uniformly in front of units along the driveway might look too homogenous. Mr. Wirth said that it might, but felt that the silver maple is a good choice for street trees. He indicated that the plan might change as the project moves forward and other species are explored. Ms. Quirk said that she liked the consistency of the maple trees as they become full-grown.

Mr. Wirth then showed a front elevation from the vantage point of Route 20. The view showed grading with the berm and the sidewalk along the front. The berm, with trees along the ridge, will serve to separate noise and traffic from the road and the development. The tops of the roofs were shown at a height of thirty-five feet. The first floor would be hidden significantly by the berm and the trees would probably reach a height of thirty feet therefore obscuring much of the second floor of the buildings. There will also be an understory of conifers for more screening.

Mr. O'Brien asked about the age of the central silver maple tree and about the potential for it to fall in a storm. Mr. Wirth said that an arborist, Matt Fote, was hired to assess the tree and Mr. Fote was confident that it would last at least another twenty-five years. Mr. Fote said that its shape, trunk, and overall health was good. Its age was estimated at about seventy-five years. Mr. Wirth said that if the tree were to come down then another tree would be planted in its place because, in his opinion, a tree in that location is a good investment and gives the development character. The tree provides scale and a destination for residents. Ms. Quirk noted that there is a lot of landscaping planned in the common area so that the space would not look bare should the tree come down. Mr. Wirth agreed, saying that the river birch trees, white pines, and crab apple trees surrounding the green would even out the area. The general consensus was that the Board approved of the landscape plan.

Mr. Stevens then asked Mr. Saluk to give the Board an update on the stormwater management plan. Mr. Saluk said that he had a meeting with Town Engineer Bill Place and referenced a letter from Mr. Place dated December 8, 2011. The purpose for their meeting was to discuss the difference between Sudbury's stormwater management bylaws and DEP's Stormwater Management Regulations. The first item discussed was the difference between the Cornell rainfall depths which is a depth that is a little more than the State's standards. The State's standard is seven inches for a 100 year storm and the Cornell standard in the Sudbury bylaw is 8.6 inches. He said that the other measurements compare with two year storm being the same, and the ten- and twenty-five year storms being higher. He referenced a note in Mr.

Place's letter which states that the applicant's engineer has demonstrated that with the design in place, the total rate and volume of runoff will be controlled on site. Mr. Place suggests that the applicant's engineer recalculate the drainage calculations to use the 8.6 inches of runoff for the 100-year storm frequency and evaluate how much of an increase in detention area would be required to control the increased volume. Mr. Saluk has done this and found that there are no large central detention areas as the water is dispersed with the rain garden and drains and together that system attenuates the rainfall for the DEP State standards and also takes care of three of four storms (two, five, and ten years) for the bylaw, but not the 100-year storm. In order to comply with the bylaw requirement for the 100-year storm the numbers suggest that the footprint of central system would have to be increased to thirty-two percent and sixty-five underground chambers would need to be added, which is another forty-nine percent. There are currently 132 chambers. What that would do would be to attenuate the storm for the Cornell requirements (8.6") as well as the DEP requirements (7").

Mr. Saluk said that he explained to Mr. Place and to the Conservation Commission that the tradeoff is not good because of the unique situation of the site. He said that the property was close to the Landham Allowance Brook. He said that the water flows down, crossing Boston Post Road, and gets into the brook quickly and does not take long to get to the Sudbury River. In Mr. Saluk's opinion there is no benefit to retaining it given the rate at which it goes into the wetland system, under Route 20, then into Allowance Brook and on to the Sudbury River. He does not feel that the proposed system will do any damage. He hypothesized that the Sudbury River peaks three to four days after a storm. With a 100-year storm it will peak even later. Retention therefore could do more damage by having the water's release coincide with the peak. He suggested that it would be better to let the water from that 100-year storm move as quickly as possible. Mr. Saluk said that the only difference with using the Cornell measurement would be that it would help with the 100-year storm. For the lesser storms the plan in place already complies with the State's requirements for those storms. Therefore Mr. Saluk's analysis is that it is of no benefit to increase the size of the stormwater management system.

Mr. O'Brien asked what the reduction would be with the de-nitrification system. Mr. Saluk did not have a specific calculation for the percentage of reduction downstream but he said that it would be a negligible amount. He said that the site is not within a nitrogen-sensitive area without a well system or drinking water reservoir in the area. The leaching field is compliant with Title V. Treating the nitrogen uses innovative technology with a system of chambers rather than trenches. The costs for this system are extreme, plus annual maintenance. Mr. O'Brien then said that if the water is discharging into the Sudbury River then there might be nitrogen in it. Mr. Saluk countered with the fact that the Title V system is in place to take care of this and meets standards for protecting the water supply. He said that the septic system is suitable for protection of the environment and that is what the construction code is for. Given this, Mr. O'Brien then asked whether or not the applicant was therefore going to add the de-nitrification system. Mr. Stevens said that he had agreed to install the de-nitrification system, although he added that he did not think it was necessary. Ms. Quirk wondered, therefore, why if the effects were negligible the Conservation Commission was requiring this system. Mr. O'Brien felt that the system would have a cumulative effect and was glad that Mr. Stevens would add it to the plans.

Ms. Quirk then asked whether there were any residents who wished to comment on the project.

Henry Noer, 55 Goodmans Hill Road, said that he learned from a Conservation Commission meeting that the Commission was concerned about nitrogen runoff affecting vegetation and in the stream leading below Route 20 and on to the Sudbury River. He said that he wanted to address the broader issue of the development. He does not feel that 40B has solved the problems it set out to solve and he wanted to

remind the Board that the majority of Sudbury voters voted to repeal 40B legislation in the recent election. He said that he understood that the Town has limited capacity to oppose this 40B development but he said that he was sorry to find out that the Town has in his opinion wholeheartedly embraced this proposal.

Ms. Quirk asked whether Mr. Noer had any comments on the plans presented at this hearing. Mr. Noer asked the Board whether or not they were aware that this development sits within the convergence of Route 20, Green Hill Road, and Goodmans Hill Road, a triangle that has been a wildlife refuge corridor with listed wildlife for decades. Although, he said that he does not feel that the area has gotten the attention it deserves in this Town. He then pointed out where his property sits in relation to the proposed development and listed the variety of wildlife that inhabits the area. He said that he sees development as the beginning of the destruction of that triangle and wildlife refuge for large animals. He said that he is sorry to hear that the Conservation Commission and the ZBA are willing to go along with it. He then wanted to know why the Town has not asked for a wildlife protection study. Given the efforts of the developer to provide foliage to protect the wildlife on the western border he also wanted additional efforts focused on the rear of the development which borders the triangle and has ponds. He is concerned that any activity from the development on the septic area might affect that wildlife area. He asked the Board to consider adding a condition to the decision that the septic area stay a wild meadow and that there be no allowance for picnicking in the area. He questioned what would happen when the Town gets a sewer. He asked whether the Board could add a condition to the decision that there be no development on the septic area and that it would remain a meadow in perpetuity when the septic system is no longer necessary. Mr. Noer also asked what would happen with the existing old stone wall that borders the property. Mr. Stevens said that since that wall is a property line marker it could not be touched. Mr. Noer asked the Board to consider the impact that the density of the development would have on the triangle and to consider the wildlife protection impact.

ZBA Member Ben Stevenson asked who currently owns the area described as the wildlife triangle. Mr. Noer said that each of the abutters have ownership of portions of it.

Ms. Quirk asked Mr. Noer whether there was a conservation restriction on his property. Mr. Noer said that there was not. He admitted that the land was undevelopable due to wetland conditions but he maintained that the Town would lose snapping turtles and vernal pools with increased activity in the area. Again he expressed concern that the Conservation Commission is so willing to wipe out the habitat that is there.

Sharon Bell, 65 Goodmans Hill Road, said that her property did have a conservation easement on it. She described her experiences with the Conservation Commission when work was done on her property. She was told by the Conservation Commission that restrictions were necessary because the town was attempting to protect wildlife in the area. She said her experience was relevant to this project because she is an abutting property owner. She noted that there was a vernal pond in the area and that people were studying the endangered species. She said that she too was shocked that the Conservation Commission was fine with the plan and the septic area bordering this area. She said that she was concerned about leaching from the septic area and the effect on wildlife.

Kenneth Farmer, 46 Goodmans Hill Road, said that he was in agreement with his neighbors about the multitude of wildlife in the woods. He mentioned the prevalence of deer and turkeys in particular.

Arnold Sullivan, 33 Goodmans Hill Road, asked for confirmation that the wall at the back of property line would be undisturbed. Mr. Wirth said that it would not be disturbed. Mr. Sullivan also asked about the landscaping plans for that area. Mr. Wirth said that there would be a shrub layer on both sides of the pathway and a cluster of lower deciduous trees and conifers planted. He said that the developer would work with the abutters to determine materials for screening such as evergreens. Mr. Sullivan also noted that there is water all the time at this area of Goodman's Hill Road. So he said that stormwater management efforts should not just accommodate one storm but also snow runoff and a sequence of storms that can happen all at once and saturate the area. He expressed concerns about the system failing and does not want anyone to take lightly the amount of water that could be in the area.

Mr. Sullivan asked whether the number of units had been reduced from the original proposal. Mr. Stevens said that the number had been reduced from thirty-two units to thirty-one. He said that he is creating smaller units, the number of buildings has also been reduced, the roadway has been shortened and the overall layout of the site has been significantly changed since the preliminary application. He said that there are twenty-eight two-bedroom units and three three-bedroom units. Mr. Sullivan said that he still considers the density to be high.

Ms. Kablack then walked the Board through a memo she had written dated December 8, 2011 that included items needed prior to endorsement of the plans. Among the things requested were a hard-copy of the landscape plan that could be reviewed by the Design Review Board. She said that the DRB had commented in February on the preliminary proposal but they should have an opportunity to see the final plans. For enforcement purposes she said that trees to be preserved and screening for abutters should be located on the site plan. A lighting plan should be also be presented, including internal lighting and common area amenities.

Ms Kablack also asked about surface treatment and width of the internal walkway. Mr. Stevens said that most likely he would use a paver up to the first section where the walkway curves and in the area of the bus stop. Pea stone would be used for the remainder and around the loop. When asked how the walkway was perceived by the residents at the Old County Road development Mr. Stevens said that the residents are using the paths. The professional dog walkers tend to use the street. The children seem to utilize a variety of the spaces.

Mr. Stevens said that he likes the trail system around the common area because he feels that people would be using it to get to their mailboxes and cars. He does not feel that a trail system around the perimeter of the septic system is needed. Ms. Kablack agreed due to privacy issues that have occurred at other developments in town.

Ms. Quirk said that she was in favor of eliminating the perimeter walkway due to its close proximity to the other residents in the complex. Mr. Gossels agreed due to privacy concerns. ZBA member Mr. Stevenson said that the walkway could impact neighbors and asked what the residents present thought about the perimeter walkway.

Mr. Noer, 55 Goodmans Hill Road, objected to the rear trail system because he felt that walking in the meadow area should be discouraged due to the potential disturbance to wildlife and destruction of the stone wall. Mr. Sullivan, 33 Goodmans Hill Road, agreed with Mr. Noer, and also because the path would essentially be along the border of his property.

The consensus therefore was that there would be a paved walkway at Route 20 and some amenities around the central open space which would serve to link parking to the green area.

Mr. Stevens said that he would submit landscape plans to the Board prior to approval. At the next meeting Mr. Stevens will present a full package of materials for all aspects of the project.

Ms. Kablack said that she is soliciting comments about the plan from the Conservation Commission regarding local waivers. She said that clearly the Commission granted this proposal and under the jurisdiction of the State Wetlands Protection Act and so they have a handle on their bylaws waivers and they feel there has been enough mitigation.

The Stormwater Management Report still needs review by the Planning Board and they will make recommendations within the next week. The Planning Board's comments will also be sent to Bill Place.

The plan for the internal roadway will become a construction document. The waiver list was revised and submitted.

Earth removal calculations still need to be done. Mr. Stevens said that it is a net zero site. When asked if he was taking any soil out Mr. Stevens said that he probably has too much loam and will need to remove some. Ms. Kablack said that the Board needs to know how much earth is being taken off of the site.

The construction trailer is shown on plan C1 and is in an acceptable location.

Ms. Kablack said that she would try to obtain final comments from the Sudbury Fire Chief and Sudbury Water District however they did not have anything substantive to add at this point.

The height of the buildings is thirty-eight feet which exceeds the maximum height allowed. This will be shown on the construction plan. Mr. Gossels asked why the height was thirty-eight feet. Mr. Stevens said it was due to the full walk-outs at the backs of the units. He said that since the units are deeper than a single-family home so that affects the roof ridge line.

Ms. Kablack said that the Sudbury Building Inspector, Jim Kelly, had some concerns about the grading at the front yards. He is requesting a detail sheet that will show the water draining away from the buildings.

Ms. Kablack said that Mr. Stevens has signed a form granting an extension of time to February 29, 2012.

Ms. Kablack asked whether the Board would like to conduct a site visit with the roadway flagged. A site visit will be scheduled.

Mr. Sullivan asked about screening at the back property boundary. He wants effective privacy screening and said that a friend has suggested blue spruces. ZBA Member Ben Stevenson asked Mr. Sullivan to point out his house on the site plan. Mr. Sullivan showed the property boundary and said that his house is probably ninety feet from the property line. Mr. Stevens said that he also would like effective screening in that area where he has two units. He said that he and Mr. Wirth had attempted to go back in the woods in that area but it is fairly dense with overgrown invasive vines and it was hard to get through even with chain saws. He said that he was hoping to find some good species of trees in that area but it was too difficult to get to so he would be comfortable with Mr. Wirth's recommendations for screening there.

When asked when the landscaping plan would be submitted for review Mr. Stevens said within the next three to four weeks.

Ms. Quirk asked whether there were any further comments anyone wished to make.

Mr. Noer reiterated that the area of land across the stone wall at the rear of the property contains 500 feet of wetlands and an oak forest used by deer for bedding and he wants to prevent residents' activity from going there and disturbing it further. He does not want the area to be used as a recreation area and does not want spotlights shining into it. Ms. Quirk said that human access would be discouraged from accessing that part of the site. Mr. Stevens said that the area would be mown once or twice per year. He said that it would be unlikely for people or dog walkers to hike through the meadow due to the terrain and the ticks. Mr. Stevens said that he understands. Mr. Noer asked for confirmation that the exterior pathway would not be built. Ms. Quirk said that was correct. Mr. Noer thanked the Board for that decision.

Mr. Stevens said that the property would be deeded to the condominium association.

In response to Mr. Noer's concern about lighting Ms. Kablack said that lighting would be made a condition of the comprehensive permit. In regard to Mr. Noer's point about no future development in the area Mr. Stevens said that there would be no future residential building on the septic area, however he wanted any language in the conditions to be carefully worded so that if in the future the septic system has to be altered due to upgrades or new regulations then he could make modifications as needed without restrictions. Ms. Kablack added that if there were to be any further development in the area of the septic system then the comprehensive permit would need a modification which would require going before the ZBA.

Ms. Bell, 65 Goodmans Hill Road, said that she would also like a restriction on outdoor spot lights and minimal lighting overall. She said that she would like to see plantings of shrubs that would feed the birds as is required in the conservation easement on her property. She also requested something analogous from the developer to discourage humans from going onto her property and disturbing the wildlife.

Mr. Stevens said that at the property line there would be three foot high fences of open chain and four by four inch posts which might be visible only the first two to three years until vegetation hides it. That way if a dog from the development gets loose the dog cannot pass through into the wildlife area. This fence would also keep children out of the wildlife area. He said that small wildlife will find a way to get back and forth through the fence.

Ms. Quirk said that she has seen much progress since the last hearing and noted that conditions to the permit could likely be reviewed at the next hearing. Mr. Stevens said that revised plans would be submitted to the Board the first week of January to allow enough time for review. Electronic versions of the plan would be requested so that the plans could be posted on the Town's web site.

There were no further questions from the Board or audience.

A motion was made to continue the hearing.

The hearing was continued to Thursday, January 19, 2012 at 7:30 p.m. in the Lower Town Hall Meeting Room.

Elizabeth T. Quirk, Chair

Jonathan F.X. O'Brien

Benjamin D. Stevenson, Clerk

Jonathan G. Gossels